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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,940	12/01/2003	Darin Horrocks	90655.4600	3272
66170 7590 12/01/2008 Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202				
EXAMINER BUCHANAN, CHRISTOPHER R				
ART UNIT 3627		PAPER NUMBER		
NOTIFICATION DATE 12/01/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/724,940

Applicant(s)

HORROCKS ET AL.

Examiner

CHRISTOPHER R. BUCHANAN

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talbert et al. (US 2004/0078328) alone.

Regarding claims 1, Talbert discloses a method comprising receiving at a financial account issuer (transaction system (26) establishes customer account, par. 36) an initial authorization request (par. 30) that includes transaction information which identifies a merchant (20), an account identifier corresponding to a financial account (customer account number, par. 36), and a transaction amount (see Table 3), identifying a pre-authorization record associated with the account (criteria for rejecting/approving transaction, par. 46, 47, 68, see Table 5), determining that the transaction amount complies with the authorization criteria including a pre-authorized amount (maximum credit quantity, par. 35) in the pre-authorization record (Table 5, insufficient open to buy), wherein the pre-authorization record corresponds to a predetermined purchase transaction (transactions in purchase amount tiers, par. 66), transmitting an authorization message to the merchant ((e), par. 30), determining based on the transaction information if the transaction involves a partial shipment (split shipments,

par. 77), and updating the pre-authorization record if there are partial shipments (multiple shipments result in multiple settlement transactions, so pre-authorization record is updated with each settlement, eg., account balance updated).

The method of Talbert differs from the claimed invention in that it does not explicitly show the pre-authorization record to be associated with an account identifier.

However, the pre-authorization record could be associated with the account using a variety of quantities, such as customer name, authorization key, shipping address, etc. The particular quantity used to associate the record with the account would be a matter of design choice.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Talbert so that the pre-authorization record is associated with an account identifier to enable quick, efficient processing of transactions.

Regarding claims 2-4, a variety of calculations could be performed with the transaction data and the particular calculations would be a matter of design choice. Regarding claims 5-7, the analyzing includes identifying a client (customer) and shipment rules (ship to, see Tables 1 and 2) and comparing the transaction amount to threshold amounts (see Fig. 7). Any additional shipment rules (partial shipments, delicate items, etc.) would be matters of design choice. Regarding claims 8-13, the steps recited in these claims (establishing a new pre-authorization message, comparing information, etc.) are repetition of previously recited limitations and to include these steps would be a matter of design choice. Regarding claims 14-19, the transaction

information includes date and time information (date stamp, time stamp, Table 2). Applying date/time stamps to various stages of the transaction process would be a matter of design choice. Regarding claims 20 and 21, as applied to claim 1 above, Talbert also discloses the invention as an apparatus and computer readable medium. Regarding claim 22, the particular reason for updating records would be a matter of design choice since it has not been shown to solve any stated problem or serve any particular purpose.

Response to Arguments

3. Applicant's arguments filed September 26, 2008 have been fully considered but they are not persuasive. Applicant argues that the prior art reference does not disclose all the recited features of the claimed invention, in particular, those newly recited features added to the independent claims. Applicant also argues that many recited features identified by the examiner as matters of design choice are not so.

The examiner disagrees and stands by the rejection. The new features added to the claims by amendment have been addressed in the rejection above. Regarding the matter of design choice, applicant is invited to provide evidence for each feature which describes its novelty, the particular problem being solved, its criticality to the invention, and so on.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER R. BUCHANAN whose telephone number is (571)272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. R. B./
Examiner, Art Unit 3627

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627